



DEPARTMENT OF THE AIR FORCE
 HQ WARNER ROBINS AIR LOGISTICS CENTER (AEMC)
 ROBINS AIR FORCE BASE GEORGIA

BB
 20.96

FEB 09 1996

MEMORANDUM FOR ALL WR-ALC/PK DIVISIONS

FROM: WR-ALC/PK

SUBJECT: Contractor Responsibility

1. The DOD IG audit of Contract Terminations for Default at WR-ALC and post award reviews of Contract File Content Checklist #32 revealed that WR-ALC has not been following the full intent of the FAR in the area of contractor responsibility. Buyers and contracting officers are to comply with the following regulatory requirements when preparing contract files.

a. No purchase or award shall be made unless the contracting officer makes an affirmative determination of responsibility. In the absence of information clearly indicating that the prospective contractor is responsible, the contracting officer shall make a determination of nonresponsibility (FAR 9.103(b)).

b. Information supporting a determination of responsibility or nonresponsibility must be included in the contract file (FAR 9.105-2(b)). The amount of data included depends on the contracting officer's judgment but should be reflective of the contractor's previous government contracting experience and performance. The contracting officer shall consider relevant past performance information and other sources of information such as the following:

- (1) Debarred/suspended lists (available through ACPS)
- (2) Records and experience data including verifiable knowledge of government personnel (DCMAO, Preaward Survey Monitor etc..)
- (3) Preaward surveys (PAS)
- (4) Automated Contractor Responsibility Review Program (ACRRP)
- (5) Mechanization of Contract Administration System (MOCAS)
- (6) Prospective contractor-provided information (including financial data, personnel information, questionnaire replies, information on production equipment, etc.)
- (7) Publications, customers of contractor, financial institutions, trade and business associations, etc.

2. In reference to the ACRRP, contracting officers and buyers were notified on 8 Jun 93 that problems existed with the accuracy of the data. Deficiencies in the program have not been corrected, but the following data is reliable and may be utilized in making responsibility

Atch 96-5B. (FAR 9) See reverse side for posting instructions.

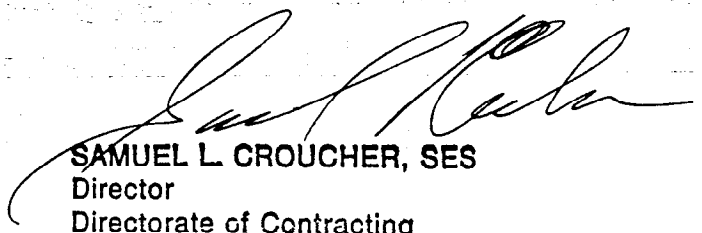
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determinations: PAS, BRC (Blue Ribbon Contractor), QDRs (Quality Deficiency Reports), Termination for Default, DLA Alert List and the ACRRP comments. The delivery data and award recommendation are not reliable and should not be used. The current ACRRP guidance, AFMCI 64-108, Revision 1, paragraph 7, requires buyers to query the ACRRP for all acquisitions except those outlined in FAR 9.102(b). WR-ALC/PKPB will not provide an award recommendation but will maintain the data in the system. WR-ALC/PKPB is in the process of updating all records in the ACRRP. When querying the system, buyers should complete and submit the electronic 3814 to WR-ALC/PKPB for contractors not in the system. (Contact the ACRRP focal point with any problems encountered in completing the 3814.) Buyers are also reminded to forward any relevant information on individual contractors that can be included in individual contractor performance files maintained by the WR-ALC/PKPB ACRRP focal point. These files are available for review at anytime.

3. WR-ALC/PK letter dated 16 Oct 95 is still effective. Any contracts involving first articles with small or disadvantaged businesses must have a complete preaward survey with emphasis on financial responsibility. A preaward survey waiver may be granted only if a contracting officer can make a clear determination of responsibility without question. The waiver shall be in the form of a memo-to-file signed by the division chief and must include data based on information provided by Defense Contract Management Command personnel to support the contracting officer's decision. A preaward survey should also be considered for contracts not requiring a first article. In making a responsibility determination, the company's small business status shall not be a factor. If a small business lacks certain elements of responsibility, the contracting officer should withhold contract award and refer the matter to the Small Business Administration. The contracting officer's decision must be fully supported and documented in the contract file.

4. If the contracting officer determines that it is in the best interest of the government to override a negative PAS, the contracting officer shall obtain the written approval of the division chief. The buyer will obtain the contractor's written agreement to correct the deficiencies that caused the negative PAS. This agreement will be incorporated in HQ AFMC Clause H-410C, "Agreement to Correct Deficiencies" (AFMC FARS 5352.209-9000). The contracting officer will send a letter to the cognizant contracting administration office, at the time of contract distribution, advising of the reasons for the award and the corrective action that the contractor has agreed to take in order to remove the deficiencies that led to the unfavorable PAS. Copies of the letter will be added to the contract file and forwarded to the WR-ALC/PKPB ACRRP focal point for inclusion into the contractor's performance file.

5. This information will be included in the Process Book under FAR Part 9. Any questions or comments may be directed to Sarah Braswell, 69003, or Annick Woodlock, 69001.



SAMUEL L. CROUCHER, SES
Director
Directorate of Contracting

cc:

Atch 96-5B (FAR 9)
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SBA/PCR